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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,503	11/21/2003	Keahi Seymour		3008

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KEAHI SEYMOUR
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EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,503

Applicant(s)

SEYMOUR, KEAHI

Examiner

Cynthia F. Collado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/21/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US Patent No.6, 270,091).

Smith discloses a first member; a second member; and an articulation mechanism pivotally joining a first end of said first member to a first end of said second member (see figure 15, elements 54 and 56).

Regarding claims 2 and 18, Smith discloses a means for removably attaching a user's boot to said first member; and means for removable attaching a user's boot to said second member (see figure 7, element 49).

Regarding claims 3 and 19, Smith discloses an articulation mechanism joining the first member and said second member such that said first end of said first member could offset vertically a distance greater than 1" from said first end of said second member (see figure 2, elements 47L and 47R).

Regarding claim 4, Smith is silent regarding the articulation mechanism joining the first member and said second member such that said first end of said first member could offset vertically a distance of up to about 12 inches from the

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first end of the second member, however in looks of figure 2 it is apparent that the vertical distance of the articulation mechanics is up to about 12 inches.

Regarding claims 5,21 and 30, Smith discloses an articulation mechanism joining the first member and the second member such that an overall length of the articulated snowboard is dynamically variable by a user of the snowboard (see figure 9, elements 54,56 and 55) also (see column 11, lines 21-26).

Regarding claims 6 and 22, Smith discloses the articulation mechanism joining the first member and the second member such that an overall length of the articulated snowboard is dynamically variable by a user of the snowboard within a range of about ± 5 (see figure 9, element 55).

Regarding claims 7 and 23, smith discloses an articulation mechanism joining the first member and the second member such that at least one of a lateral edge and a longitudinal axis of said first member remains substantially parallel to a corresponding one of a lateral edge and a longitudinal axis of the second member (See figure 17, elements 60L and 60R) also (see column 6, lines 43-45).

Regarding claims 8 and 25, Smith is silent regarding the articulation mechanism joining the first member and second member such that at least one of a lateral edge and a longitudinal axis of the first member remains substantially parallel to a corresponding one of a lateral edge and a longitudinal axis of the second member, while permitting the first end of the first member to offset vertically a distance of about -8" to about +8" from the first end of the second

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member, however in looks of figure 9 it is apparent that the vertical distance of the articulation mechanism is about -8 to about +8.

Regarding claim 9 and 26, Smith discloses the articulation mechanism joining the first member and second member such that the second member can be urged downward by a user to act as a drag rudder to slow movement of the articulated snowboard (see column 10, lines 66-67) also (see column 11, lines 1-7).

Regarding claim 10, Smith discloses an articulation mechanism locks, which rigidly joins both board segments to form a conventional snowboard (see figure 20, elements 72,74,79 and 81).

Regarding claim 11, Smith discloses an articulation mechanism attaches to a central directional ski to increase maneuverability (see figure 1, element 55).

Regarding claim 12, Smith discloses an articulation member is linked to suspension/dampening to increase performance (see figure 20, element 82) also (see column 6, lines 14-27).

Regarding claim 13, Smith discloses an articulation mechanism allows pivoting along the longitudinal axis of both segments giving each board segment the ability to carve independently (see column 5, lines 1-22).

Regarding claim 20, Smith discloses pivotally joining the first member and said second member such that said first end of said first member could offset vertically a distance greater than 8" from said first end of said second member (see figure 9, element 55).

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Regarding claim 24, Smith discloses pivotally joining includes joining said first member and said second member such that a lateral edge of the first member remains substantially parallel to a lateral edge of the second member (see column 13, lines 13-42).

Regarding claim 29, Smith discloses a user's left boot to said first member and attaching a user's right boot to said second member (see figure 34); and maintaining a longitudinal axis of said first member substantially parallel to a longitudinal axis of said second member, while permitting said first end of said first member to move vertically relative to said first end of said second member (see column 13, lines 13-42).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 14,15,16,27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Patent No.6, 270,091) in view of Trott (US Patent No.5, 884,933) and further in view of Quarti (US Patent No. 6,616,170).

Regarding claims 14,16 and 27, Smith teaches a means for removably attaching a user's boot to the first member; and means for removable attaching a user's boot to the second member; wherein each means is for removably attaching is user-rotatable relative to a longitudinal axis of the first member and second member (see figure 7, element 49), but does not teach an articulation mechanism permitting separating the first member from the second member, whereupon the first member and second member can be used as one of snowshoes and short skis, however Trott does teach first member and second member can be used as one of snowshoes and short skis in (figure 1, element 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowboard of Smith to permit separating of two members allowing the two members to be worn as emergency shoes.

Regarding claim 15 and 28, neither Smith nor Trott teach a folding member snowboard, however Quarti does teach an articulation member permitting folding of the first member substantially atop of the second member when the articulated snowboard is not in use. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowboard of Smith and Trott to permit folding of the two members allowing in the reduction of bulk of equipment and making it easier to transport.

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Conclusion

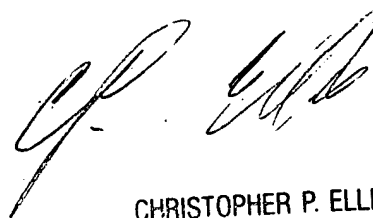
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)272-8315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 9/24/05
CFC



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